

REMARKS

Claims 2-10 are pending in this application. By this Amendment, claims 2-5 are amended and claim 1 is canceled without prejudice to or disclaimer of the subject matter found therein. No new matter is added.

On page 2, the Office Action rejects claim 1 under 35 U.S.C. §102(b) over Hosoi et al. (Hosoi), U.S. Patent No. 5,859,688. The rejection is rendered moot by the cancellation of claim 1. Thus, it is respectfully requested the rejection be withdrawn.

On page 3, the Office Action rejects claims 2, 6, 8 and 9 under 35 U.S.C. §103(a) over Hosoi in view of Nakagawa, U.S. Patent No. 5,997,142. The rejection is respectfully traversed.

Applicant's claim 2 recites an optometric apparatus for a subjective examination of a visual function of an eye of an examinee, the apparatus including a pair of right and left lens chamber units, each including, a test window; and a rotating disk on which a plurality of optical elements are mounted in a circumferential arrangement to be changeably placed in the test window, the optical elements including a green filter and an aperture; instruction means for generating a signal to instruct a start of a red/green test; and control means for drivingly controlling the rotating disk in response to the signal from the instruction means to place the green filter in the test window for a first predetermined time and then place the aperture in the test window for a second predetermined time. The combination of Hosoi and Nakagawa fails to disclose or suggest all of these features.

Specifically, the combination fails to disclose or suggest placing "the green filter in the test window for a first predetermined time and then place the aperture in the test window for a second predetermined time" as recited in claim 2.

Hosoi discloses a subjective-type refractive-power measuring device provided with a pair of left and right lens units 10 in each of which various optical elements are selectively

disposed in a test window 11 (col. 4, lines 47-50). Hosoi also discloses that a red/green test is performed (col. 4, lines 47-50) and suggests that the device entirely includes a configuration for the red/green test. The red/green test is performed in such a manner that a red target and a green target are simultaneously presented by a target presenting device. Specifically, an optical element for correcting the refractive power of an examinee's eye is disposed in the test window of each lens unit of the subjective-type refractive-power measuring device and the red target and the green target are presented at the same time to either or both of the examinee's eyes to check which target is more clearly visible.

The device of claim 2 is provided with green filters in rotary disks of both right and left lens chamber units respectively in order to make the red target invisible and present only the green target for a predetermined presenting time. Hosoi does not disclose or suggest this configuration, or the presenting only the green target for a predetermined presenting time.

Further, Hosoi discloses that a red-green filter can be applied to a currently presented target (col. 10, line 58). However, according to the explanation before and after line 58, this red-green filter is provided over the target presenting device, not in the lens chamber units, as in Applicant's claim 2 (col. 10, lines 57-64).

Thus, Hosoi fails to disclose or suggest the configuration of claim 2 for presenting only the green target for a predetermined presenting time and providing a filter in the lens chamber units, in addition to failing to disclose the time frames "to place the green filter in the test window for a first predetermined time and then place the aperture in the test window for a second predetermined time" as recognized by the Office Action.

Further, the objective of Hosoi is an optometric apparatus designed to reduce the number of switches for operating the apparatus and facilitate the switch operation of the apparatus, thereby allowing the examiner to conduct the examination efficiently (Abstract; col. 1, line 67 to col. 2, line 4). The Applicant's invention of claim 2 has a purpose to

suppress automatic accommodation of examinee's eyes which tends to occur in a normally conducted red/green test. Contrary to the Office Action assertion, it would not have been obvious to one skilled in the art to use Hosoi's teaching in a combination to solve the prior art problem of reducing the automatic accommodation of an examinee's eyes during examination as discussed in Applicant's disclosure on pages 1 and 2. Thus, it would not have been obvious to one skilled in the art to combine Hosoi and Nakagawa, regardless of what Nakagawa teaches.

Nakagawa discloses a red/green test apparatus provided with a red and green targets (Figs. 1-3; Abstract; col. 2, lines 40-46; col. 5, lines 27-42). However, the apparatus of Nakagawa is a target presenting apparatus specifically designated only for red/green testing, and thus suffers from the prior art problem of not being able to use a general-purpose optotype presenting device commercially available to solve the problem of reducing the automatic accommodation of an examinee's eyes during examination (see pages 1 and 2 of Applicant's disclosure). On the other hand, the apparatus claimed in claim 2 can be used with a commonly used target presenting device, without using an apparatus solely dedicated to the red/green test, and can carry out the same function as the apparatus of Nakagawa.

Further, Nakagawa fails to overcome the deficiencies of Hosoi with respect to providing a filter in the lens chamber units, as discussed above. Nakagawa only teaches a case 1 is divided into left and right parts by a partitioning plate 2 and a lamp 3R for red and a lamp 3G for green are disposed to the left and right of this partitioning plate 2; and a red film 5 is provided on the left side of the partitioning plate 2 and also a green film 6 is provided on the right side of the partitioning plate 2, both via an opalescent screen 4 on a front surface of the case 1 (Abstract; col. 5, lines 27-42). Thus, Nakagawa also fails to disclose or suggest providing a filter in the lens chamber units, as recited in claim 2.

Thus, it would not have been obvious to combine Nakagawa with Hosoi to obtain the apparatus of Applicant's claim 2, or the benefits derived therefrom.

Further, claim 6, in part, recites features similar to claim 2. Thus, for at least the reasons discussed above, the combination of Hosoi and Nakagawa fails to disclose or suggest all of the features of claim 6, as well as for the additional features recited therein. Because claims 8 and 9 depend from claim 6, the combination also fails to disclose or suggest the subject matter of claims 8 and 9 for the at least the reasons discussed above, as well as for the additional features recited therein.

Thus it is respectfully requested the rejection be withdrawn.

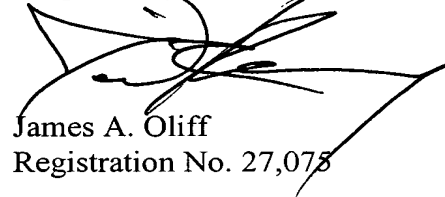
On pages 4 and 5, the Office Action rejects claim 3 under 35 U.S.C. §103(a) over Hosoi in view of Ishikawa et al. (Ishikawa), U.S. Patent No. 5,640,221; rejects claim 4 under 35 U.S.C. §103(a) over Hosoi in view of Ishikawa and further in view of Nakagawa; rejects claims 5 and 10 under 35 U.S.C. §103(a) over Hosoi in view of Nakagawa; and rejects claim 7 under 35 U.S.C. §103(a) over Hosoi in view of Nakagawa and further in view of Ishikawa. The rejections are respectfully traversed.

Ishikawa fails to overcome the deficiencies of Hosoi and Nakagawa with respect to claims 2 and 6, the claim from which claims 3, 4 and 7 depend. As such, the combination fails to disclose or suggest the subject matter of claims 3, 4 and 7 for the at least the reasons discussed above, as well as for the additional features recited therein. Further, because neither Hosoi or Nakagawa, individually or in combination, disclose or suggest all the features of claims 2 and 6, as discussed above, the combination fails to disclose or suggest the features of claims 5 and 10, which depend from claims 2 and 6, for the at least the reasons discussed above, as well as for the additional features recited therein. Therefore it is respectfully requested the rejections be withdrawn.

In view of the foregoing, it is respectfully submitted that this application is in condition for allowance. Favorable reconsideration and prompt allowance of claims 2-10 are earnestly solicited.

Should the Examiner believe that anything further would be desirable in order to place this application in even better condition for allowance, the Examiner is invited to contact the undersigned at the telephone number set forth below.

Respectfully submitted,



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